

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT
2017 AUG 24 PM 2:19
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. CANTON

UNITED STATES OF AMERICA, :

Plaintiff, :

v. :

KENNETH JOHNSON :

Defendant. :

CASE NO.

3 : 17 cr - 130

THOMAS M. ROSE

INDICTMENT

21 U.S.C. § 846

21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi)

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

18 U.S.C. §§ 924(c)(1)(A)

18 U.S.C. §§ 922(g)(1) and 924(a)(2)

FORFEITURE

THE GRAND JURY CHARGES THAT:

COUNT 1
[21 U.S.C. § 846]

Beginning on an exact date unknown, but at least by in or about August 2016 and continuing up to and including on or about March 7, 2017, in the Southern District of Ohio and elsewhere, defendant KENNETH JOHNSON and others known and unknown to the Grand Jury, knowingly and intentionally conspired to knowingly and intentionally possess with intent to distribute and distribute, in excess of 10 grams of a mixture or substance containing a detectable amount of acrylfentanyl -- a controlled substance analogue intended for human consumption -- that is an analogue of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi), and a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (commonly known as fentanyl), a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

All in violation of 21 U.S.C. § 846.

COUNT 2
[21 U.S.C. §§ 841(a)(1) and (b)(1)(C)]

On or about February 7, 2017, in the Southern District of Ohio, defendant KENNETH JOHNSON knowingly and intentionally distributed a mixture or substance containing a detectable amount of acrylfentanyl -- a controlled substance analogue intended for human consumption -- that is an analogue of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

COUNT 3
[18 U.S.C. § 924(c)(1)(A)]

On or about February 16, 2017, in the Southern District of Ohio, defendant KENNETH JOHNSON knowingly possessed a firearm in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States -- namely, knowingly and intentionally possessing with intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

In violation of 18 U.S.C. § 924(c)(1)(A).

COUNT 4
[18 U.S.C. §§ 922(g)(1) and 924(a)(2)]

On or about February 16, 2017, in the Southern District of Ohio, defendant KENNETH JOHNSON knowingly possessed, in and affecting interstate commerce, a firearm to wit: a loaded Glock Model 30. This possession occurred after KENNETH JOHNSON had been convicted of the following felony punishable by a term of imprisonment exceeding one year, namely:

- (a) on or about August 15, 2012, in the Common Pleas Court of Montgomery County, Dayton, Ohio, Case Number 12 CR 1476, of Robbery (Deadly Weapon), in violation of the Ohio Revised Code.

In violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 5
[21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi)]

On or about March 7, 2017, in the Southern District of Ohio, defendant KENNETH JOHNSON knowingly and intentionally possessed with intent to distribute in excess of 10 grams of a mixture or substance containing a detectable amount of acrylfentanyl -- a controlled substance analogue intended for human consumption -- that is an analogue of fentanyl, also known as N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, a Schedule II controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi).

FORFEITURE
FORFEITURE ALLEGATION ONE

Upon conviction of Count 1, 2 and/or 5, of this Indictment, defendant KENNETH JOHNSON shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said violation and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said violation, including but not limited to:

- a. \$9,400.00 in United States currency; and
- b. Glock .45, Serial No. PSB590 with 10 unfired .45 caliber cartridges.

FORFEITURE ALLEGATION TWO

Upon conviction of Counts, 1, 2, 3, 4 and/or 5 of this Indictment, defendant KENNETH JOHNSON shall forfeit to the United States pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), his interest in all firearms and ammunition involved in or used in any violation, which includes but is not limited to:

- a. Glock .45, Serial No. PSB590 with 10 unfired .45 caliber cartridges.

SUBSTITUTE ASSETS

If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) and as incorporated by 28 U.S.C. 2461(c).

A TRUE BILL


FOREMAN

BENJAMIN C. GLASSMAN
United States Attorney


SHEILA G. LAFFERTY
Assistant United States Attorney